

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

TIMOTHY P. STRAYER, and )  
KELLEY KINGSTON STRAYER, )  
 )  
Plaintiff, )  
 )  
v. ) CAUSE NO.: 4:12-CV-00098-RLY-WGH  
 )  
DEARBORN COUNTY SHERIFF, )  
OFFICER JASON TURNER, )  
 )  
Defendants. )

**PLAINTIFF'S PROPOSED JURY INSTRUCTIONS**

Comes now the Plaintiffs Timothy Strayer and Kelly Kingston Strayer, by counsel, hereby request that the Court instruct the jury with the civil preliminary instructions contained on the Federal Civil Jury Instructions of the Seventh Circuit as well as the following final instructions:

- 1.01 General: Functions of the Court and Jury
- 1.02 No Interference From Judge's Questions
- 1.03 All Litigants Equal Before Law
- 1.04 Evidence
- 1.05 Deposition Testimony
- 1.06 What is Not Evidence
- 1.07 Note-Taking
- 1.08 Consideration of All Evidence Regardless of Who Produced
- 1.09 Limited Purpose of Evidence
- 1.10 Evidence Limited to Certain Parties
- 1.11 Weighing the Evidence

- 1.12 Definition of “Direct” and “Circumstantial” Evidence
- 1.13 Testimony of Witness: Deciding What to Believe
- 1.14 Prior Inconsistent Statements [or Acts]
- 1.15 Impeachment of Witness-Convictions
- 1.16 Lawyer Interviewing Witness
- 1.17 Number of Witnesses
- 1.18 Absence of Evidence
- 1.19 Adverse Inference from Missing Witness
- 1.20 Spoilation/Destruction of Evidence
- 1.21 Expert Witness
- 1.27 Burden of Proof
- 1.30 Proximate Cause
- 1.32 Selection of Presiding Juror; General Verdict
- 1.33 Communication with Court
- 1.34 Disagreement Among Jurors
- 2.05 Stipulation of Fact
- 2.14 Judge’s Comments to Lawyer
- 7.02 General” Requirement of Personal Involvement
- 7.03 General: Color of Law
- 7.08 Fourth Amendment/Fourteenth Amendment: Excessive Force Against Arrestee or Pre-Trial Detainee-Elements
- 7.09 Fourth Amendment/Fourteenth Amendment: Excessive Force –Definition of “Unreasonable”

- 7.10 Eighth and Fourteenth Amendments: Prison/Jail Conditions of Confinement-Elements
- 7.12 Eighth and Fourteenth Amendments: Failure to Provide Medical Attention-Elements
- 7.13 Eighth and Fourteenth Amendments: Failure to Provide Medical Attention-Definition of “Serious Medical Need”
- 7.14 Eighth and Fourteenth Amendments: Conditions of Confinement/Failure to Protect/Failure to Provide Medical Care-Definition of “Deliberately Indifferent”
- 7.22 Damages: Prefatory Instructions
- 7.23 Damages: Compensation
- 7.24 Damages: Punitive

Respectfully submitted,

HUME SMITH GEDDES GREEN & SIMMONS, LLP

/s/ Andrew P. Wirick

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*Attorney for Plaintiff Timothy Strayer and Kelley Kingston Strayer*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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*/s/ Andrew P. Wirick*

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